

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

In Re:)
)
 Jamie Fussner, and John Cerdá, *Debtor*) Case No. 10-53966-705
 U.S. Bank, N.A., by US Bank Home Mortgage, loan)
 servicing agent for *Creditor*) Chapter: 7
)
 vs.) **ORDER TO LIFT STAY**
)
 Jamie Fussner, and John Cerdá, *Debtor*) Hearing Date: April 6, 2011
) Hearing Time: 9:30 am
 and)
 Charles W. Riske, *Trustee*) **Motion No 13**

ORDER GRANTING RELIEF FROM STAY

THIS MATTER comes on for consideration upon the Motion of U.S. Bank, N.A., its subsidiaries, affiliates, predecessors in interest, successors or assigns ("Creditor"), for its Motion for Relief from Stay. Based upon the pleadings filed and the evidence produced,

IT IS THEREFORE BY THE COURT ORDERED that U.S. Bank, N.A., its subsidiaries, affiliates, predecessors in interest, successors or assigns, is granted relief from the automatic stay imposed under 11 U.S.C. §362 to foreclose the lien of its Deed of Trust as to the real property legally described as

Lot 65 of COUNTRY MEADOWS PLAT 2, according to the plat thereof recorded on Slide C Pages 387 & 388 of the Warren County Recorders office, commonly known as 2290 Paige Marie Drive, Warrenton, MO 63383,

by any lawful means including by exercise of the power of sale by the Trustee named in the Deed of Trust or by the duly appointed Successor Trustee, if one be appointed by Movant; and after the sale, to pursue any other remedies the purchaser may have pursuant to the terms of the promissory note and mortgage, including enforcing rights to possession of the premises under the terms of the promissory note and Deed of Trust and in accordance with applicable non-bankruptcy state law, and

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IT IS FURTHER ORDERED that of the \$650 attorney's fees and \$150 costs sought in the Motion for Relief, \$600 attorney's fees and \$150 costs may be assessed against the account of the Debtor, and

IT IS FURTHER ORDERED, AND THE COURT SPECIFICALLY FINDS, that the following arrearage figures, charges, fees and costs as prayed for in the Motion, plus any amounts that have come due since the filing of the Motion pursuant to the terms of the Promissory Note and Security Instrument, are allowed and may be assessed against the account of the Debtor in the amount of:

DESCRIPTION	AMOUNT
(7) Late Payments @ \$1,033.29 (9/10 – 3/11)	\$7,233.03
Accrued Late Charges	\$249.94
Property Inspections	\$40.00
MFR Filing Fee	\$150.00
MFR Attorney Fees	\$600.00
Total	\$8,272.97

IT IS FURTHER ORDERED that Creditor shall be permitted to communicate with the Debtor(s) and Debtor(s)' counsel to the extent necessary to comply with applicable nonbankruptcy law.

IT IS FINALLY ORDERED that relief from the automatic stay is applicable even if the case is converted, unless otherwise specifically ordered.

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All further relief is hereby denied.

IT IS SO ORDERED.

DATED: Mar 23, 2011
St. Louis, Missouri
mtc


CHARLES E. RENDLEN, III
U.S. Bankruptcy Judge

Copies Mailed to the Following Parties

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